UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,166	02/09/2004	Miwako Doi	248642US-2SRD CONT	6761

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EXAMINER
LIN, JASON K

ART UNIT	PAPER NUMBER
2425	

NOTIFICATION DATE	DELIVERY MODE
11/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/773,166	DOI ET AL.
	Examiner	**Art Unit**	
	JASON K. LIN	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 July 2008</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>5,9-11,13 and 19-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>5,9-11,13 and 19-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to amendment of application No. 10/773,166 filed

on 07/21/2008. **Claims 8, 12, and 14-18** are cancelled and **Claims 5 and 9-11, 13,**

and 19-23 are pending and have been examined.

Response to Arguments

2.   Applicant's arguments with respect to **claims 5 and 9-11, 13, and 19-23** have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 5 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rauch et al. (US 5,731,844), in view Alexander (US 6,177,931), in view of

Fortenberry et al. (US 6,101,485), and further in view of Herz et al. (US 6,020,883).

        Consider **claims 5 and 22,** Rauch teaches an apparatus and computer

        readable medium encoded with instructions which, when executed by a

        computer, cause the computer to execute a method of processing a plurality of

        information items including a set of information items including primarily text

        information, the method for providing televisual programs comprising:

        an electronic program guide (EPG) ("Program information" referred to in

        Rauch is the same as the claimed EPG because it contains program name, time

of broadcast, channel indicator and description of each television program as stated in col 5: lines 6-8) generation unit (graphics display generator 157, generates graphics) configured to generate an EPG ("Program information" referred to in Rauch is the same as the claimed EPG because it contains program name, time of broadcast, channel indicator and description of each television program as stated in col 5: lines 6-8) in which televisual programs to be provided are classified into categories (The information is arranged in an "adaptively learned order" arranging topics such as show, actor, director, etc as stated in col 12: lines 25-29 is the same as the claimed classified categories);

Rauch does not explicitly teach a similarity calculating unit configured to (1) collect (i) keywords representing content of the televisual programs viewed by viewers and (ii) contents of transactions of goods purchased by the viewers through virtual shops on the Internet, (2) calculate (i) a user profile based on the collected contents of transactions and (ii) the collected keywords, (3) obtain a similarity of a user profile between the viewers, and (4) send a recommended program to a first viewer, the recommended program being a televisual program which is watched by a second viewer, but not watched by the first viewer, the user profile of the second viewer being most similar to the user profile of the first viewer.

In an analogous art Alexander teaches, a similarity calculating unit configured to (1) collect (i) keywords representing content of the televisual programs viewed by viewers (Col 28: lines 35-38, Col 29: lines 34-38, 43-50, 60-

67 teaches the unit is able to identify programming display and collect data pertaining to particular theme {e.g., comedy, sports, drama, movie, etc}, subject {e.g., golf, tennis, football, basketball, etc}, or a particular actor or actress of the program watched/recorded/scheduled to be watched. *The theme, subject, actor or actress of the program watched are collected data that represents the program where these words help to describe and define the content in these programs*) and (ii) contents of transactions of goods purchased by the viewers (Col 30: lines 21-24, 34-35, teaches updating user profile based on purchase history), (2) calculate (i) a user profile based on the collected contents of transactions and (ii) the collected keywords, (3) obtain a similarity of a user profile between the viewers, (Col 29: lines 31-55 teaches updating viewer profile based on viewing history. Col 30: lines 21-24, 34-35, teaches updating viewer profile based on purchase history. Col 30: lines 45-58 teaches generating an EPG based on viewer profile. Col 30: lines 38-44 teaches similar viewer profiles from other users {also includes other users purchases and viewing selections} are compared and based on comparison analysis it can determine the subjects, theme, movie, episode, etc that the viewer would be interested in), the recommended program being a televisual program which is watched by a second viewer, but not watched by the first viewer, the user profile of the second viewer being most similar to the user profile of the first viewer.

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Rauch's system to include (1) collect (i) keywords representing

content of the televisual programs viewed by viewers and (ii) contents of

transactions of goods purchased by the viewers through virtual shops on the

Internet, (2) calculate (i) a user profile based on the collected contents of

transactions and (ii) the collected keywords, (3) obtain a similarity of a user

profile between the viewers, as taught by Alexander, for the advantage of

identifying a greater variety of programs that will suit the needs of the viewers

and presenting them with pertinent programming information.

Rauch and Alexander do not explicitly teach the transactions for goods

purchased are through virtual shops on the Internet;

(4) send a recommended program to a first viewer, the recommended

program being a televisual program which is watched by a second viewer, but

not watched by the first viewer, the user profile of the second viewer being most

similar to the user profile of the first viewer.

In an analogous art Fortenberry teaches, collecting contents of

transactions for goods purchased through virtual shops on the Internet (Col 4:

lines 13-25, Col 2: lines 8-10 teaches shopper data may be acquired during visits

to an e-commerce site where shopper behavior may be logged such as actions

taken, items purchased, etc. This information is acquired and analyzed in order

tailor/target items to a particular user)

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Rauch and Alexander to include purchases in the

form of purchasing through virtual shops on the Internet, as taught by

Fortenberry, for the advantage of enabling viewers to conveniently view and buy items of interest without having to leave the comforts of home.

Rauch, Alexander, and Fortenberry do not explicitly teach (4) send a recommended program to a first viewer, the recommended program being a televisual program which is watched by a second viewer, but not watched by the first viewer, the user profile of the second viewer being most similar to the user profile of the first viewer.

In an analogous art Herz teaches, (4) send a recommended program to a first viewer, the recommended program being a televisual program which is watched by a second viewer, but not watched by the first viewer, the user profile of the second viewer being most similar to the user profile of the first viewer (Col 22: line 65 – Col 23: line 11 teaches the display of recommended programs to a viewer on an EPG. Col 39: lines 1-4, Col 30: lines 11-19, Col 35: lines 11-56, Col 38: line 19 - Col 39: line 5 teaches clustering where users whose profile closely identifies with those in that particular cluster are assigned to that cluster. There, as stated in the example of Col 39: lines 1-5, it is concluded that if both 'A' and 'B' has seen and liked similar shows, 'A' is likely to like other shows which 'B' liked. *Since users are part of the cluster that is most similar to them, users are recommended shows which include shows that may have already been watched and liked by those in the cluster {second viewer} that have similar likes, but have not yet been watched by the user {first viewer}*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rauch, Alexander, and Fortenberry to include (4) send a recommended program to a first viewer, the recommended program being a televisual program which is watched by a second viewer, but not watched by the first viewer, the user profile of the second viewer being most similar to the user profile of the first viewer, as taught by Herz, for the advantage of easily identifying potential program(s) of interest the viewer may not be aware that may suit the needs of the viewer and presenting them with pertinent programming information.

5.   **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch et al. (US 5,731,844) as applied to **claim 5** above, in view Alexander (US 6,177,931), in view of Fortenberry et al. (US 6,101,485), in view of Herz et al. (US 6,020,883), and further in view of Hullinger et al. (IS 6,295,092).

Consider **claim 9**, Rauch, Alexander, Fortenberry, and Herz teach said similarity calculating unit (Alexander – Col 28: line 10 – Col 29: line 67, Col 30: lines 38-44; Herz - Col 39: lines 1-4, Col 30: lines 11-19, Col 35: lines 11-56, Col 38: line 19 - Col 39: line 5), but do not explicitly teach analyzing a closed caption of the television programs to extract the keywords.

In an analogous art Hullinger teaches analyzing a closed caption of the television programs to extract the keywords (Col 1: lines 10-20, Col 3: lines 15-

17, Col 4: lines 18-24, 42-56, Col 5: line 46 - Col 6: line 67 teaches analyzing

closed caption data and extracting keywords in the process).

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Rauch, Alexander, Fortenberry, and Herz to include

analyzing a closed caption of the television programs to extract the keywords, as

taught by Hullinger, for the advantage of separating broadcasts, determining the

competitive characteristics of stories which can include topic, talent, and

production characteristics (Hullinger - Col 1: lines 10-16), allowing for easier

identification and classification of programs.

6.   **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch

et al. (US 5,731,844) as applied to **claim 5** above, in view Alexander (US 6,177,931), in

view of Fortenberry et al. (US 6,101,485), in view of Herz et al. (US 6,020,883), and

further in view of Schindler (US 5,995,155).

Consider **claim 10**, Rauch, Alexander, Fortenberry, and Herz teach said

similarity calculating unit (Alexander – Col 28: line 10 – Col 29: line 67, Col 30:

lines 38-44; Herz - Col 39: lines 1-4, Col 30: lines 11-19, Col 35: lines 11-56, Col

38: line 19 - Col 39: line 5), but do not explicitly teach recognizing audio data of

the televisual programs, converts the audio data into a text, and extracts the

keywords.

In an analogous art Schindler teaches recognizing audio data of the

televisual programs ("recognizes at least a few words from current television

programming" Col 13: lines 20-25), converts the audio data into a text ("speech

recognition circuitry is used to convert speech to text…" col 4: line 35), and

extracts the keywords (col 13: lines 12-20 describes an auto surf function that

can extract keyword{s} from the closed captioning of a televisual program alerting

the user to desired programming. Where closed captioning information is

unavailable speech to text recognition is used in its place to get the textual

information as stated in Col 13: lines 20-25).

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Rauch, Alexander, Fortenberry, and Herz to include

recognizing audio data of the televisual programs, converts the audio data into a

text, and extracts the keywords, as taught by Schindler, for the advantage of

providing program data to the deaf community for updating their EPG.

7.   **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch

et al. (US 5,731,844) as applied to **claim 5** above, in view Alexander (US 6,177,931), in

view of Fortenberry et al. (US 6,101,485), in view of Herz et al. (US 6,020,883), and

further in view of Lawler (US 5,758,259).

Consider claim 11, Rauch, Alexander, Fortenberry, and Herz teach said

similarity calculating unit (Alexander – Col 28: line 10 – Col 29: line 67, Col 30:

lines 38-44; Herz - Col 39: lines 1-4, Col 30: lines 11-19, Col 35: lines 11-56, Col

38: line 19 - Col 39: line 5), but do not explicitly teach analyzing video data of the

televisual programs, calculates an appearance time of each performer, and

accumulates a numerical value corresponding to the appearance time of the performer in place of the keywords to calculate the similarity.

In an analogous art Lawler teaches video data of the televisual programs, calculates an appearance time of each performer, and accumulates a numerical value corresponding to the appearance time of the performer in place of the keywords to calculate the similarity (Col 7: line 62 – Col 8: line 34 teaches the preference database was created by previous programs selected by the viewer and a numerical value is calculated for each name, genre, subgenre, and team, and the matching programs are generated and sent to the user).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rauch, Alexander, Fortenberry, and Herz to include, analyzing video data of the televisual programs, calculates an appearance time of each performer, and accumulates a numerical value corresponding to the appearance time of the performer in place of the keywords to calculate the similarity, as taught by Lawler, in order to present programs with performers that would be tailored to the viewer's preferences, that would better grab and retain the viewer's interest.

8.   **Claims 13 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch et al. (US 5,731,844), in view Alexander (US 6,177,931), in view of Fortenberry et al. (US 6,101,485), in view of Herz et al. (US 6,020,883), and further in view of Merjanian (US 5,920,642).

Consider **claim 13,** Rauch teach a system for providing televisual

programs, comprising:

an apparatus for providing televisual programs according to claim 5

(Limitation covered by rejection of claims 5 and 22 above, by the combination of

Rauch, Alexander, Fortenberry, and Herz);

an audiovisual apparatus configured to present the provided televisual

programs (Rauch - Fig. 1);

wherein the audiovisual apparatus includes:

a reception unit (Rauch - tuner 115, computer 100) configured to

receive the EPG generated by the EPG generation unit (Rauch - Col 2:

lines 47-59 teaches receiving program information {EPG} from a cable

source);

a generation unit (Rauch - graphics display generator 157)

configured to generate a program selection window (Rauch - The claimed

program selection window is disclosed in Col 4: lines 54-61, Col 5: lines

13-18. The "selection program" is displayed by the picture-in-graphics

processor 155) for causing the viewer to select a desired program based

on the EPG received by said reception unit (Rauch - As stated in Col 2:

lines 35-46, "the user can select a television program perceptively by

viewing the adaptively ordered schedule layout" via a selection program

Col 5: lines 14-17, wherein "adaptively ordered" also stated in Col 12: lines

25-29 is the same as the claimed classified categories explained

previously above. "Program information" referred to in Rauch is the same

as the claimed EPG because it contains program name, time of broadcast,

channel indicator and description of each television program as stated in

Col 5: lines 6-8); and

a selection unit configured to cause the viewer to select a televisual

program to be reproduced or recorded from the program selection window

(Rauch - The claimed program selection window is displayed by the

television 130, the claimed selection unit is disclosed as a input device in

conjunction with the program selection window, and the program can be

reproduced {displayed} and recorded as stated in Col 5: lines 11-18).

Rauch, Alexander, Fortenberry, and Herz do not explicitly teach a

personal authentication unit arranged at a portion of a remote controller of the

presenting device with which a finger of a viewer comes into contact;

generating a program selection window for causing the viewer to select a

desired program base on a result of authentication by the personal authentication

unit;

In an analogous art Merjanian teaches, a personal authentication unit (Fig.

7) arranged at a portion of a remote controller of the presenting device with which

a finger of a viewer comes into contact (Col 8: lines 8-22 discloses that "the

platen 30 is exposed so that finger print data may be acquired from the

operator's digit 32");

generating a program selection window for causing the viewer to select a desired program base on a result of authentication by the personal authentication unit (Col 11: lines 17-65 teaches the use of the personal authentication unit in broadcast, cable, and satellite television applications, where the user can be authenticated for the particular set-top box restoring and allowing access to user preferences such as favorite channels, tailored menus);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rauch, Alexander, Fortenberry, and Herz to include a personal authentication unit arranged at a portion of a remote controller of the presenting device with which a finger of a viewer comes into contact; generating a program selection window for causing the viewer to select a desired program base on a result of authentication by the personal authentication unit, as taught by Merjanian, for the advantage of allowing for authentication of various users, providing users with their personal preferences on what they prefer to view (Merjanian - Col 3: lines 27-53), making the program selection process easier and less cumbersome for the user.

Consider **claim 23,** Rauch, Alexander, Fortenberry, and Herz teach receiving the generated EPG (Rauch - Col 2: lines 47-59 teaches receiving program information {EPG} from a cable source);

generating a program selection window (Rauch - graphics display generator 157; The claimed program selection window is disclosed in Col 4: lines

54-61, Col 5: lines 13-18. The "selection program" is displayed by the picture-in-graphics processor 155) for causing a viewer to select a desired program based on the EPG received in the receiving step (Rauch - As stated in Col 2: lines 35-46, "the user can select a television program perceptively by viewing the adaptively ordered schedule layout" via a selection program Col 5: lines 14-17, wherein "adaptively ordered" also stated in Col 12: lines 25-29 is the same as the claimed classified categories explained previously above. "Program information" referred to in Rauch is the same as the claimed EPG because it contains program name, time of broadcast, channel indicator and description of each television program as stated in Col 5: lines 6-8); and

allowing the viewer to select a televisual program to be reproduced or recorded from the program selection window (Rauch - The claimed program selection window is displayed by the television 130, the claimed selection unit is disclosed as a input device in conjunction with the program selection window, and the program can be reproduced {displayed} and recorded as stated in Col 5: lines 11-18).

Rauch, Alexander, Fortenberry, and Herz do not explicitly teach generating a program selection window for causing a viewer to select a desired program based on a result of authentication by a personal authentication unit;

In an analogous art Merjanian teaches, generating a program selection window for causing a viewer to select a desired program based on a result of authentication by a personal authentication unit (Fig.7; Col 11: lines 17-65

teaches the use of the personal authentication unit in broadcast, cable, and

satellite television applications, where the user can be authenticated for the

particular set-top box restoring and allowing access to user preferences such as

favorite channels, tailored menus);

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Rauch, Alexander, Fortenberry, and Herz to include

generating a program selection window for causing a viewer to select a desired

program based on a result of authentication by a personal authentication unit, as

taught by Merjanian, for the advantage of allowing for authentication of various

users, providing users with their personal preferences on what they prefer to view

(Merjanian - Col 3: lines 27-53), making the program selection process easier

and less cumbersome for the user.

9.   **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch

et al. (US 5,731,844) as applied to **claim 13** above, in view Alexander (US 6,177,931),

in view of Fortenberry et al. (US 6,101,485), in view of Herz et al. (US 6,020,883), in

view of Merjanian (US 5,920,642), and further in view of Hullinger et al. (IS 6,295,092).

Consider **claim 19**, Rauch, Alexander, Fortenberry, and Herz teach said

similarity calculating unit (Alexander – Col 28: line 10 – Col 29: line 67, Col 30:

lines 38-44; Herz - Col 39: lines 1-4, Col 30: lines 11-19, Col 35: lines 11-56, Col

38: line 19 - Col 39: line 5), but do not explicitly teach analyzing a closed caption

of the television programs to extract the keywords.

In an analogous art Hullinger teaches analyzing a closed caption of the television programs to extract the keywords (Col 1: lines 10-20, Col 3: lines 15-17, Col 4: lines 18-24, 42-56, Col 5: line 46 - Col 6: line 67 teaches analyzing closed caption data and extracting keywords in the process).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Rauch, Alexander, Fortenberry, and Herz to include analyzing a closed caption of the television programs to extract the keywords, as taught by Hullinger, for the advantage of separating broadcasts, determining the competitive characteristics of stories which can include topic, talent, and production characteristics (Hullinger - Col 1: lines 10-16), allowing for easier identification and classification of programs.

10.   **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch et al. (US 5,731,844) as applied to **claim 13** above, in view Alexander (US 6,177,931), in view of Fortenberry et al. (US 6,101,485), in view of Herz et al. (US 6,020,883), in view of Merjanian (US 5,920,642), and further in view of Schindler (US 5,995,155).

Consider **claim 20**, Rauch, Alexander, Fortenberry, Herz, and Merjanian teach said similarity calculating unit (Alexander – Col 28: line 10 – Col 29: line 67, Col 30: lines 38-44; Herz - Col 39: lines 1-4, Col 30: lines 11-19, Col 35: lines 11-56, Col 38: line 19 - Col 39: line 5), but do not explicitly teach recognizing audio data of the televisual programs, converts the audio data into a text, and extracts the keywords.

In an analogous art Schindler teaches recognizing audio data of the
televisual programs ("recognizes at least a few words from current television
programming" Col 13: lines 20-25), converts the audio data into a text ("speech
recognition circuitry is used to convert speech to text..." col 4: line 35), and
extracts the keywords (col 13: lines 12-20 describes an auto surf function that
can extract keyword{s} from the closed captioning of a televisual program alerting
the user to desired programming. Where closed captioning information is
unavailable speech to text recognition is used in its place to get the textual
information as stated in Col 13: lines 20-25).

Therefore, it would have been obvious to a person of ordinary skill in the
art to modify the system of Rauch, Alexander, Fortenberry, Herz, and Merjanian
to include recognizing audio data of the televisual programs, converts the audio
data into a text, and extracts the keywords, as taught by Schindler, for the
advantage of providing program data to the deaf community for updating their
EPG.

11.   **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch
et al. (US 5,731,844) as applied to **claim 13** above, in view Alexander (US 6,177,931),
in view of Fortenberry et al. (US 6,101,485), in view of Herz et al. (US 6,020,883), in
view of Merjanian (US 5,920,642), and further in view of Lawler (US 5,758,259).

Consider **claim 21**, Rauch, Alexander, Fortenberry, Herz, and Merjanian
teach said similarity calculating unit (Alexander – Col 28: line 10 – Col 29: line

67, Col 30: lines 38-44; Herz - Col 39: lines 1-4, Col 30: lines 11-19, Col 35: lines

11-56, Col 38: line 19 - Col 39: line 5), but do not explicitly teach analyzing video

data of the televisual programs, calculates an appearance time of each

performer, and accumulates a numerical value corresponding to the appearance

time of the performer in place of the keywords to calculate the similarity.

In an analogous art Lawler teaches video data of the televisual programs,

calculates an appearance time of each performer, and accumulates a numerical

value corresponding to the appearance time of the performer in place of the

keywords to calculate the similarity (Col 7: line 62 – Col 8: line 34 teaches the

preference database was created by previous programs selected by the viewer

and a numerical value is calculated for each name, genre, subgenre, and team,

and the matching programs are generated and sent to the user).

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Rauch, Alexander, Fortenberry, Herz, and Merjanian

to include, analyzing video data of the televisual programs, calculates an

appearance time of each performer, and accumulates a numerical value

corresponding to the appearance time of the performer in place of the keywords

to calculate the similarity, as taught by Lawler, in order to present programs with

performers that would be tailored to the viewer's preferences, that would better

grab and retain the viewer's interest.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JASON K. LIN whose telephone number is (571)270-

1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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